

**IN THE DRAWINGS:**

Please replace the drawings of record with the Replacement Sheets attached hereto.

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### REMARKS

The Office Action of November 29, 2007 has been carefully considered.

The drawings of record have been replaced by a set of formal drawings, attached hereto.

Objection has been raised to the drawings as not showing "the duplicate with the references." Applicants believe that this allegation is incorrect, as Figure 3 clearly shows a duplicate 10 mounted on a base 16 including reference marks. These reference marks are clearly described as such with respect to Figure 2; hence, the claimed feature is clearly shown.

Objection has also been raised to the drawings on the basis that they contain a reference character 38 not mentioned in the specification. The specification has now been amended on page 7 such that the longitudinal axis is designated with numeral 38.

Claims 1-12 have been rejected under 35 USC 112, second paragraph, on a number of grounds. These claims have now been canceled and replaced by a new set of Claims 13-25. Of these claims, Claim 13 written in Jepson form, replaces Claim 1 and Claims 23-25 depend from Claim 13 and replace Claims 10-12. Claim 2 has been written in independent form as new Claim 17, and Claims 17-23 replace Claims 2-9. These claims have been written in proper form for U.S. practice, and overcome the various objections cited.

Withdrawal of this rejection is requested.

Claim 1 has been rejected under 35 USC 102(b) as anticipated by Guiot et al.

Claim 13 is directed to an improvement in a process for determining the form of a duplicate of a residual tooth area which is to be fitted for a dental restoration. In this

process, duplicate sections to be fitted with the restoration and/or duplicate sections determining their design are removed from the duplicate and form data to be allocated to the forms of the sections is determined and stored in a computer, by means of which the form of the restoration is calculated taking into consideration the spatial allocation of the duplicate sections. According to the invention, the duplicate sections are individually referenced as to spatial allocation to each other in a referencing stored in the computer, which is independent of the duplicate.

The admitted prior art of Claim 13 is discussed in the present specification as being known from EP-B-0913130, which corresponds to the cited Guiot et al patent. As is known from this reference, the shape of both the entire duplicate and the duplicate sections is determined with the shape of the duplicate being necessary for matching the duplicate sections to each other. Indeed, Guiot et al states at column 4, lines 23 et seq, "[a]s mentioned, both the duplicate and the duplicate sections are required for the method in accordance with the invention."

This is also noted in column 3, lines 61 et seq, where it is stated that "[i]n this case the determined data must be stored as digital data, so that subsequently the different data of the individual duplicate sections, as well as the different data of the duplicate, can be combined in a so-called three-dimensional matching process, by means of which a precise image of the remaining tooth area is obtained in a digital representation."

Since the duplicate needs to be measured, extensive technical means are required such as a special clamping device, for example, for scanning the entire duplicate. Often, the duplicate cannot be scanned in its entirety in a

single step and it needs to be scanned in sections which are then matched by means of extensive software. Consequently, the passages cited in the Office action are directed to no more than the features considered to be prior art in Claim 13.

The object of the invention to develop a method providing that the form and spatial allocation of the residual area to be fitted with the restoration can be determined with a high degree of accuracy, so that the form of the restoration results easily therefrom and instrument related measuring errors can be largely avoided. In order to provide this improvement, Claim 13 recites that the duplicate sections are individually referenced as to their spatial allocation to each other in a referencing stored in the computer, and which is independent of the duplicate.

It is thus clearly recited that the duplicate sections are individually referenced, whereas according to the prior art, the duplicate itself is used as referencing for spatial allocation of the single duplicate sections by matching the duplicate sections in the duplicate itself.

In order to accomplish the desired result, a base plate with independent reference marks may be used, and the referencing is already stored in the computer. Each duplicate that is scanned subsequently has a referencing that is independent of the duplicate itself.

Since Guiot et al does not disclose or suggest referencing which is independent of the duplicate, withdrawal of this rejection is requested.

Claims 2-13 have been rejected under 35 USC 103(a) over Guiot et al in view of Burger.

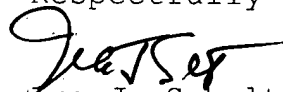
Burger has been cited to show a process including taking a casting from at least one residual tooth area of the jaw to be fitted with the restoration, fabricating a model as the

duplicate by filling with plaster, and attaching the duplicate to a ready-made base plate having references thereon. The references discussed in the Office action are described as ribs 9 in the first paragraph of column 4 of Burger and are present in order to facilitate positioning of the segments relative to the base plate and to increase the precision of the fit (column 3, lines 29-32). While providing ribs on a base plate, corresponding to the base plate of the invention, is therefore known, there is still no disclosure or suggestion in either of the cited references of individually referencing the duplicate section as to spatial allocation to each other in a referencing stored in the computer, and which is independent of the duplicate. Indeed, Figures 6a, 6b and 6c of Guiot et al shows solely the subsequent and independent scanning of single duplicate sections. Referencing of the holder used for the spatial allocation of the duplicate sections is not disclosed or suggested.

The references thus do not disclose or suggest a method in which duplicate sections are referenced in a manner which is independent of the duplicate. Withdrawal of this rejection is accordingly requested.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



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